

**U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250**

DEPARTMENTAL REGULATION		Number: 4430-792-2
SUBJECT: Drug Free Workplace Program	Date: August 25, 2003	
	OPI: Office of Human Resources Management	

1 **PURPOSE**

This regulation establishes the policy and procedures for managing the Drug-Free Federal Workplace Program (DFWP) and the Workplace Drug and Alcohol Testing Program within the Department of Agriculture (USDA).

2 **POLICY**

USDA supports the goal of a drug and alcohol-free Federal workplace. In light of its responsibility to protect the agricultural economy, the nation's food supply, and the natural resources of this country, USDA has a compelling obligation to eliminate illegal drug use from its workplace. It is essential that policies affecting the production, harvesting, sales, marketing, research and use of agricultural commodities and natural resources under the auspices of USDA be established in a drug-free environment. In addition, the safe operation of USDA large and passenger carrying vehicles mandates that those entrusted with that responsibility are not impaired by alcohol or any illegal substance. The USDA Employee Assistance Program (EAP) is a vital part of this effort.

3 **DEFINITIONS**

- a Alcohol Use. The consumption of any beverage, mixture, or preparation (including any medication) containing alcohol.

- b Applicant. Any individual tentatively selected for employment with USDA in an Executive Order (EO) testing designated position (TDP) or a position requiring a commercial drivers license (CDL). Also, any individual within USDA tentatively selected for movement into an EO TDP, or a position requiring a CDL, who has not been subject to random testing immediately prior to the selection.

- c Commercial Driver's License (CDL). A permit issued by the appropriate State to operate a commercial motor vehicle.
- d Commercial Motor Vehicle. A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - (1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - (2) Has a gross vehicle weight rating of 26,001 or more pounds;
 - (3) Is designed to transport 16 or more passengers, including the driver; and,
 - (4) Is of any size and is used in the transportation of hazardous materials requiring placards.
- e Employee Assistance Program (EAP). EAP means a USDA confidential counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.
- f Department of Transportation Testing Designated Position (DOT TDP). A position designated for random drug and alcohol testing because a commercial driver's license is required to perform the duties of the position.
- g Executive Order Testing Designated Position (EO TDP). A position designated for random and limited applicant drug testing (See Appendix A). These are positions:
 - (1) Designated by the Mission Area Human Resources Officer as Special-Sensitive, Critical-Sensitive, or Non Critical-Sensitive, or designated as sensitive under criteria found in the Code of Federal Regulation (CFR) 5 Part 732;

- (2) In which employees have either been or will be granted access to classified information pursuant to a determination of trustworthiness under Executive Order 12968;
 - (3) Filled by a Presidential appointment with the advice and consent of the Senate;
 - (4) Entailing law enforcement duties as defined in 5 U.S.C. Section 8331 (20) and 8401 (17); or,
 - (5) Which the Secretary of Agriculture determines involves law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.
- h Illegal Drug. The following drugs or categories of drugs constitute the basis of the USDA drug testing program, and will be tested for in each sample:
- (1) Marijuana;
 - (2) Cocaine;
 - (3) Opiates;
 - (4) Amphetamines; and,
 - (5) Phencyclidine (PCP).

In the event of reasonable suspicion testing, employees may be tested for any drug listed in Schedule I or II of the Controlled Substance Act upon application to, and approval of the Department of Health and Human Services (DHHS).

- i Medical Review Officer (MRO). A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- j Random Drug Testing. A system of alcohol and/or drug testing imposed without individualized suspicion that a particular individual is using alcohol and/or illegal drugs.
- k Substance Abuse Professional. A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addictions counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
- l Technical Review Panel. A USDA panel comprised of a licensed physician, forensic toxicologist, legal counsel, the Director, Safety, Health and Employee Welfare Division (SHEWD), the Director, Personnel Policy and Partnership Division (PPPD), and the Employee Assistance Program Manager, Office of Human Resources Management (OHRM). This panel oversees the technical aspects of the drug testing program.
- m Verified Positive Test Result. A drug test result that has been screened positive by a Food and Drug Administration approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay (or other confirmatory tests approved by the Department of Health and Human Services (DHHS) and evaluated by the MRO. Also, an alcohol breath test result of 0.04 or greater administered by a Breath Alcohol Technician (BAT).

4 AUTHORITIES

- a 7 CFR Part 2, Delegations of Authority by the Assistant Secretary for Administration.
- b 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records.

- c 5 U.S.C. 552a, Privacy Act of 1974.
- d Public Law 95-454, Civil Service Reform Act of 1978.
- e Public Law 99-570, Federal Employees Substance Abuse Education and Treatment Act of 1986.
- f Public Law 100-71, Section 503 of the Supplemental Appropriations Act of 1987.
- g Public Law 102-143, the Omnibus Transportation Employee Testing Act of 1991.
- h Executive Order 10450, dated April 27, 1953, Security Requirements for Government Employees, as amended.
- i Executive Order 12564, dated September 15, 1986, Drug-Free Federal Workplace.
- j Scientific and Technical Guidelines for Drug Testing Programs; Alcohol, Drug Abuse and Mental Health Administration (ADAMHA), HHS, as revised.
- k Standards for Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies; ADAMHA, DHHS, as revised.

5 RESPONSIBILITIES

- a The Assistant Secretary for Administration (ASA) will:
 - (1) Advise the Secretary of Agriculture, Mission Areas/Agency Heads, and Staff Office Directors regarding DFWP policies and procedures, and provide program oversight.
 - (2) Approve additions, deletions, or changes to the DFWP or those positions designated for testing.
- b The Director, Office of Human Resources Management (OHRM) will: Advise the ASA in planning, developing and implementing policies and procedures regarding the DFWP.

- c The Director, Safety, Health and Employee Welfare Division (SHEWD), OHRM will:
- (1) Direct, administer, and manage the implementation of this program in accordance with applicable laws, regulations and guidelines; serve as the principal contact with all internal and external organizations on the DFWP; and arrange for all drug testing required by this program;
 - (2) Participate in laboratory inspections, as appropriate, with the assistance of the Technical Review Panel, as needed, and document all results of laboratory inspection conducted;
 - (3) Respond to agency requests to exempt specific positions from testing on the basis of hardship due to remote location, unavailability of onsite testing personnel, or the lack of an appropriate site for the test to be administered;
 - (4) Respond to agency requests to temporarily defer personnel from testing under this program; and,
 - (5) Coordinate with, and report to DHHS on drug testing activities and/or findings that may affect the reliability or accuracy of drug testing results.
- d The USDA Employee Assistance Program (EAP) Manager will:
- (1) Upon receipt of a verified positive test result from the Medical Review Office (MRO), assure that agencies have EAP available, and that employees are referred to the program;
 - (2) Report verified positive EO TDP random or applicant test results to Director, Personnel, Policy and Partnership Division (PPPD), OHRM.
 - (3) Report verified positive DOT TDP test results directly to the appropriate agency employee relations officer for action consistent with DOT regulations.

e Director, PPPD, OHRM:

- (1) Receive positive EO TDP random and applicant test results from SHEWD, and notify the appropriate agency employee relations officer;
- (2) Periodically review agency actions taken against employees who are found positive under this program.

f Mission Area/Agency Heads will:

- (1) Designate a Drug Testing Liaison to coordinate the DFWP with SHEWD, EAP personnel, agency supervisors and employees;
- (2) Require employees to present themselves for testing when scheduled, and ensure that employees subject to random testing receive notification of scheduled testing in a timely manner;
- (3) Ensure that agency employee relations officers consult with appropriate supervisory and management officials on proposed actions, and with EAP personnel on referrals regarding employees with positive test results;
- (4) Publicize the DFWP through distribution of educational materials and other means, and provide training and education regarding drug use and rehabilitation to supervisors and employees;
- (5) Implement an effective EAP in accordance with applicable laws, regulations and guidelines;
- (6) Recommend additions, deletions, or changes to this program, or to the positions designated for testing; and,
- (7) Recommend exempting positions from drug testing on the basis of hardship due to remote location, unavailability of onsite testing, or the lack of an appropriate site for the test to be administered, to the Director, SHEWD.

- g Agency Personnel Officers will: Make determinations regarding EO reasonable suspicion testing in cases involving employees in their jurisdiction. This authority may be re-delegated to personnel officers one organizational level below the agency personnel officer.
- h Medical Review Officer (MRO) will:
 - (1) Receive all laboratory test results;
 - (2) Assure that an individual testing positive is afforded an opportunity to justify the test result in accordance with applicable laws, regulations, and guidelines; and,
 - (3) Consistent with confidentiality requirements, refer all test results to the USDA EAP Manager.

6 PROGRAM ADMINISTRATION

- a Employee Assistance Program (EAP). EAP's provide educational materials to supervisors and employees on drug use issues and assist supervisors in confronting employees who have performance and/or conduct problems. EAP counselors and substance abuse professionals (SAP) provide confidential assessment, short-term counseling, and referral services to employees with substance abuse problems. The counselor assists employees in treatment and will work with them during the rehabilitation period to track their progress and encourage successful completion of the program.
- b Supervisory Training. Each USDA agency must provide training to supervisors to ensure they are familiar with the USDA DFWP. This training should cover:
 - (1) The USDA Drug Testing Program;
 - (2) Employee Relations/Labor Relations aspect of drug testing;
 - (3) Supervisory roles and responsibilities;
 - (4) Employee safeguards in the testing program;
 - (5) Employee Assistance Program;

- (6) Types of drugs and their effects;
 - (7) Laboratory testing procedures; and
 - (8) Medical Review Officer duties.
- c Employee Education. Employees are to receive ongoing drug education programs to include:
- (1) The types and effects of drugs;
 - (2) The symptoms of drug use, and the effects on performance and conduct;
 - (3) The relationship of the EAP to the drug testing program; and
 - (4) Other treatment, rehabilitation, and confidentiality issues.

Agency training officers and EAP personnel can make this information available through various educational activities.

- d Substance Abuse Testing. The USDA DFWP program provides for drug testing of employees as described below. In addition, DOT regulations also mandate alcohol testing for employees required to have a commercial drivers license.
- (1) Random Unannounced Drug Testing. Employees occupying EO and DOT TDP's;
 - (2) Random Unannounced Alcohol Testing. Employees occupying DOT TDP's;
 - (3) Applicant Drug Testing. Applicants for some EO and all DOT TDP's; and,
 - (4) Employees Suspected of Using Illegal Drugs or Alcohol.
 - (a) Employees in EO TDP's. Drug testing may be required of any employee in a position which is designated for random testing when there is a reasonable suspicion that the employee uses illegal drugs whether on or off duty.

- (b) Employees not in EO TDP's. Reasonable suspicion testing may also be required of any employee in any position when there is a reasonable suspicion of on-duty use or on-duty impairment.
 - (c) Employees in DOT TDP's. Reasonable suspicion alcohol and/or drug testing may be required of an employee required to have a CDL. The decision to test must be based on direct observation of specific, contemporaneous articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations must be made by a supervisor who is trained in detecting the signs and symptoms of possible alcohol/drug use.
- (5) Employees Involved in Safety-Related Incidents.
- (a) Employees in non-DOT TDP's. Employees may be subject to testing when, based upon the circumstances of an accident, their actions are reasonably suspected of having caused or contributed to an accident that results in a death or personal injury requiring immediate hospitalization, or results in damage to government or private property estimated to be in excess of \$10,000.
 - (b) Employees in DOT TDP's. After an accident involving a CMV the surviving driver will be tested for alcohol and controlled substances if the accident involved the loss of human life, or if the driver receives a citation under State or local law for a moving traffic violation arising from the accident.
- (6) Executive Order Volunteer Testing. Employees not in an EO TDP may volunteer for drug testing. The volunteer program allows individuals to demonstrate their commitment to the goal of a drug-free workplace and to set an example for other employees.

- (7) Return to Duty and follow-up testing.
 - (a) Employees in EO TDP's. Employees may be returned to duty after completion of rehabilitation through an EAP. Employees will be subject to follow-up testing for two years after they complete a counseling or rehabilitation program. During this period, the employee will be tested at least three times. Such testing is distinct from testing which may be imposed as a component of the EAP.
 - (b) Employees in DOT TDP's. A driver found to have engaged in prohibited conduct will be subject to return-to-duty testing and then follow-up testing consisting of at least six tests in the first 12 months following the driver's return to duty.

- e Referral and Counseling.
 - (1) Employees in E.O. TDP's. Employees found to use drugs illegally will be referred to an EAP. An employee who occupies a TDP may **not** be allowed to remain on duty in that position **until** successful completion of rehabilitation through an EAP. Appropriate action, such as detailing the employee from the position or voluntary use of leave by the employee, is therefore necessary.
 - (2) Employees in DOT TDP's. Employees who engage in prohibited alcohol conduct and/or have a verified positive drug test result, must be immediately removed from their safety-sensitive functions. Employees cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional (SAP), have complied with any treatment recommendations, and have a negative result on a return-to-duty alcohol or drug test (based on the substance originally reported as positive).

- f Disciplinary Action. Agency officials must refer employees to the EAP and **also** initiate disciplinary action upon the first finding of illegal drug use and/or prohibited alcohol conduct. The severity of the disciplinary action is dependent on the circumstances of each case and is consistent with the EO DOT regulations, and the Civil Service Reform Act of 1978. Agency officials must initiate action to remove employees from the Federal Service when employees:
- (1) Refuse to obtain counseling or rehabilitation through the EAP;
 - (2) Fail to refrain from illegal drug use and/or prohibited alcohol conduct after a first finding;
 - (3) Refuse testing when so required;
 - (4) Attempt to alter or substitute specimens; or
 - (5) Distribute or sell illegal drugs.

7 INQUIRIES

Direct all inquiries to the Office of Human Resources Management, Safety, Health and Employee Welfare Division, Room 3021 South Building, Washington, D.C. 20250; telephone number (202) 720-8248. A copy of the complete Plan for a Drug Free Workplace approved by the Department of Health and Human Services is available on the web at: <http://www.usda.gov/da/shmd/dfwp.htm>.

- END-

APPENDIX A

POSITION TITLES DESIGNATED FOR RANDOM TESTING

1. TITLE/SERIES

Agency Heads (Not subject to applicant testing)

Incumbents serve as the top cadre of management personnel of USDA in both career and non-career positions. They manage and supervise agencies of the Department, participate at the highest levels in policy formulation and direction, and make extremely complex and sensitive decisions requiring a high degree of public trust and confidence.

Drug usage could result in actions and decisions which could lead to a failure to implement laws and program delivery which could negatively impact the protection of life and property or public health and safety or lead to the waste of public funds. This could lead to a loss of trust and confidence in USDA and the American Government by the public and foreign governments.

2. TITLE/SERIES

Aircraft Mechanic (GS-1670, WG-8852 or any other occupational series in which the incumbent may perform the duties described below) (Subject to applicant testing)

Incumbents are involved in the overhaul, installation, maintenance, modification, test and/or repair of aircraft systems, electronic equipment, instrumentation, flight control and survival equipment. These duties require keen sensory perception and neuromuscular coordination. Incumbents must exercise sound judgment to ensure aircraft safety and operation.

Drug usage could result in loss of life, injury or destruction of property. For example, if an aircraft mechanic failed to properly conduct pre-flight inspections, mechanical failure could result and cause a crash endangering the pilot, passengers, and other personnel on the ground and in the surrounding airspace.

3. TITLE/SERIES

Aircraft Operator (AD-404, GS-486, GS-2181, GM-2150 or any other occupational series in which the incumbent may perform the duties described below) (Subject to applicant testing).

Incumbents are required to operate aircraft used in agricultural programs for such purposes as crop spraying, fire fighting, insect control, animal damage control, and aerial surveillance and photography. Aircraft operators make critical judgments which are substantially more demanding than what would be required of operators of aircraft carrying only passengers. Flying in agricultural situations usually requires operating in and out of less developed airfields, over rural and mountainous terrain, and at low altitudes necessitating acute awareness and instantaneous decision making.

Drug usage produces diminished mental and neuromuscular coordination which could lead to the inability to properly operate the aircraft. Inability to properly operate aircraft could in turn result in the loss of life and damage to, or destruction of property. Drug usage could endanger the aircraft operator, as well as all other passengers and pilots in the airspace and personnel on the ground.

4. TITLE/SERIES

Boat Operator (WG-5723 or any other occupational series in which the incumbent may perform the duties described below) (Subject to applicant testing).

Incumbents are required to operate vessels which average approximately 30 feet in length. The vessels are used to move people, supplies and equipment including high level state and Federal officials. Vehicles must be operated in a safe manner in order not to endanger lives or to risk loss of property.

Drug usage diminishes the mental and neuromuscular capacity necessary to operate vessels of this size. This, in turn, leads to the operator's inability to properly control the vessel leading to a possible loss of life, personal injury, or destruction of property.

5. TITLE/SERIES

Criminal Investigator (Subject to applicant testing)
GS-1811

Incumbents perform, advise on and administer investigations concerning suspected violations of Federal statutes and regulations. Close coordination must be maintained with U.S. Attorneys, military security and local, state and Federal law enforcement officials. Incumbents interrogate witnesses and suspects, serve subpoenas, testify before grand juries, administer oaths, and conduct searches for physical and documentary evidence.

Some incumbents carry and use firearms in the performance of their duties. The conduct of these duties requires the highest level of personal integrity and credibility since it involves investigating and charging others who are accused of wrongdoing or violation of the law. These duties also require extensive exercise of sound personal judgment.

Drug usage could result in loss of life or injury and improper adjudication of criminal or administrative actions. For example, if criminal investigators fail to obtain key data, ascertain witness veracity, follow legal procedures, or execute rules of evidence properly, sensitive and costly investigations could be compromised. Additionally, improper or unauthorized use of weapons could result in a loss of life. The high level of personal integrity required of criminal investigators is inconsistent with the use of illegal drugs.

6. TITLE/SERIES

Departmental Medical Director (Subject to applicant testing)
GS-602

The incumbent, as the Chief Medical Officer of the Department, is responsible for a variety of functions including operation of the Health Units, dispersing medications, and emergency treatment of patients. The incumbent must recognize patients' adverse signs and symptoms and react swiftly. This includes taking resuscitative measures in case of cardiac or respiratory arrest. These duties require keen sensory perception, judgment, and neuromuscular coordination.

Drug usage could result in the loss of the patients' life or injury to the patient. Additionally, the incumbent's access to medication and participation in assessing the drug usage of USDA employees requires the utmost personal integrity. Improper or illegal drug usage is not consistent with these responsibilities.

7. TITLE/SERIES

Drug-Free Workplace Program Personnel (Not subject to applicant testing)

Director, Safety, Health and Employee Welfare Division
Employee Assistance Program Manager and staff
Technical Review Panel Members
Medical Review Officer
Agency Drug Testing Liaison
Counselors to Drug Abusers

Incumbents in these positions are directly involved in the administration and day-to-day operation of the DFWP. As such they are in positions having access to sensitive employee and drug testing program information.

Drug usage by the incumbents could result in incorrect decisions, embarrassment to USDA, or the release of information which could undermine the program. Therefore, the incumbents have a responsibility to demonstrate the absence of use of illegal drugs to maintain the credibility and employee confidence in the program.

8. TITLE/SERIES

Employees authorized to carry firearms (Subject to applicant testing)

Incumbents preserve and protect government employees and property. They also are authorized to carry firearms for self protection in remote locations such as in the Forests.

Illegal drug use calls to doubt the integrity and credibility of the employee and their ability to perform their duties of protecting persons, property or themselves. Drug usage produces diminished mental and neuromuscular capacity. This could lead to life-threatening lapses in judgment or ability.

9. TITLE/SERIES

Employees directly involved in drug-interdiction duties. (Subject to applicant testing)

Incumbents are involved in: (1) detecting cannabis cultivation activity occurring on National Forest lands; (2) investigating cannabis and other controlled substance violations; (3) apprehending and prosecuting offenders; (4) eradicating cannabis plants and cultivating sites; and (5) cooperating with other Federal, State and local law enforcement agencies in controlled substance investigations where there is a mutual interest.

Illegal drug use could have serious effects on the agency's interdiction responsibilities. A drug user's indifference to the agency's basic responsibility and mission or activity complicity with malefactors can facilitate illicit drug activity on National Forest lands. The employee may suffer from impaired perception and judgment leading to possible loss of life, personal injury, or destruction of property.

10. TITLE/SERIES

Employees with Top Secret Security Clearances (Not subject to applicant testing)

Incumbents have access to national security information with Top Secret classification, serve in sensitive Foreign Service or overseas positions which require a Top Secret security clearance, or are involved in duties demanding the highest degree of public trust.

Drug usage could result in one's inability to properly perform the duties of their positions, indiscretions while under the influence of drugs, or susceptibility to financial considerations which could cause an incumbent to be susceptible to releasing the classified information or otherwise compromising national security for personal gain.

11. TITLE/SERIES

Employees stationed at Plum Island Animal Disease Center with special access to the biocontainment laboratories. (Subject to applicant testing)

Incumbents with special access to the biocontainment laboratories either work within the confines of the biocontainment laboratories, or have frequent access to the biocontainment laboratories, although their primary work site may be in other buildings.

This special access authorizes the incumbents move freely without supervision or escort throughout the entire biocontainment facility (approximately 250,000 square feet of Laboratory/Mechanical space and Animal Rooms), which allows them access to dangerous and exotic disease agents which pose a high individual risk of life-threatening disease. United States law mandates that certain etiologic microorganisms which are foreign to the United States may be studied only at the Plum Island Animal Disease Center. The microorganisms included exhibit varying degrees of pathogenicity/infectivity for man (in some cases unknown). The risk of extensive damage to the United States livestock industry by exposure to these disease agents is extremely high.

Drug use could result in accidental or deliberate violation of biological safety regulations and procedures which could be potentially disastrous to human safety and economic welfare of the United States.

12. TITLE/SERIES

Fire Protection and Prevention Personnel (Subject to applicant testing)
GS-081

Incumbents are responsible for performing work in controlling and extinguishing fires and rescuing persons endangered by fire. Hazards encountered may involve burns and other effects of heat, smoke inhalation, falling materials, explosion, and exposure to toxic materials. Incumbents must be prepared to deal with fire victims in varying states of fright and panic. Also, they may be required to operate or ride on fire trucks at high speed under adverse conditions. These duties require keen sensory perception and neuromuscular coordination.

Drug usage could result in loss of life or injury and damage to, or destruction of property. Use of illegal drugs by a fire fighter could endanger fire victims, employees in the fire vicinity, other fire fighters, and all property threatened by fire.

13. TITLE/SERIES

Guard (Subject to applicant testing)
GS-085

Incumbents preserve and protect government employees and property. They must maintain a high standard of conduct at all times, must be mentally alert and aware of their surroundings, and be ready to act to provide protective measures at any time.

A high level of integrity and credibility are necessary in discharging the duties of the position. Incumbents are expected to remain calm under pressure, think rationally, and respond intelligently, despite adverse circumstances, and deal effectively in interpersonal confrontations. They often carry firearms in the line of duty.

Illegal drug use calls to doubt the integrity and credibility of the employee and their ability to perform their duties of protecting persons and property. Drug usage produces diminished mental and neuromuscular capacity. This could lead to life-threatening lapses in judgment or ability. For example, if a guard failed to exercise sound observation powers and judgment and used a weapon improperly, needless injury or death could result.

14. TITLE/SERIES

Job Corps Center Staff (Includes any occupational series in which the incumbent may perform the duties described below) (Subject to applicant testing).

Each Center staff member see students every day, and each staff member is responsible for the safety of every student, including administering CPR and/or first aid whenever needed. Also, each staff member is required to possess a valid driver's license to transport students in cases of emergency, to and from work sites, etc.

Drug usage by Center staff members could result in the loss of students' lives or injury to the students. Also, all Center staff personnel are responsible for administering the Zero Tolerance for Drug Policy. Improper or illegal drug use is inconsistent with assisting others in becoming and remaining drug-free.

15. TITLE/SERIES

Motor Vehicle Operator Include only operators of passenger carrying vehicles (Subject to applicant testing) WG-5703

Incumbents operate motor vehicles such as buses, trucks, passenger vans, and other passenger carrying vehicles as their predominant duty and responsibility. The vehicles are used to move people and equipment including providing chauffeur services to high level officials. Vehicles must be operated in a safe manner to avoid endangering lives of the public or passengers, or risking the loss of property.

Drug usage produces diminished mental and neuromuscular capacity. This could in turn lead to the operators inability to properly control the vehicle, leading to the possible loss of life, personal injury, or destruction of property. For example, if the driver of a passenger carrying shuttle failed to notice a traffic light, death or serious injury could result to USDA employees and the general public. The use of illegal drugs is therefore inconsistent with the responsibility of safe vehicle operation.

16. TITLE/SERIES

Nurse (GS-610), Practical (Vocational) Nurse (GS-620), Health Technician (GS-699), Nursing Assistant (GS-621) Excluding those positions not having responsibility for patient care, drug testing or access to controlled substances (Subject to applicant testing)

Incumbents provide care to people with injuries and illnesses, administer injections, and must be able to recognize patients' adverse signs and symptoms to be able to react swiftly in emergency situations.

This includes taking resuscitative measures in case of cardiac or respiratory arrest when a physician is not present or immediately available. They must be able to provide emergency treatment to accident victims. These duties require keen sensory perception and neuromuscular coordination.

Drug usage could result in the loss of patients' lives or injury to the patient. Additionally, the incumbents' access to medication requires the utmost personal integrity on their part concerning drug usage.

17. TITLE/SERIES

Other Personnel With Access to Controlled Substances (Not subject to applicant testing)

Incumbents have access to controlled substances. As a result, incumbents must maintain the highest level of personal integrity in order that full confidence can be placed in the integrity of the agency.

Drug abuse could result in diminished mental capacity, or personal use of the controlled substance to which incumbents have access. Additionally, incumbents who are drug users are highly vulnerable to extortion, which could result in the unauthorized release of these substances.

18. TITLE/SERIES

Presidential Appointees (Not subject to applicant testing)

These are individuals appointed by the President with the advice and consent of the Senate. They serve the American public in the highest levels of the Department in positions such as Secretary of Agriculture, Deputy Secretary of Agriculture, Assistant and Under Secretaries and Agency Heads. They participate with the President and the Congress in developing public policy in the many areas within the scope of USDA, make the most complex and sensitive decisions, and require the highest degree of public trust and confidence.

Drug usage could result in loss of trust and confidence by the American public and governments throughout the world. In addition, drug usage by incumbents in these positions will have a direct and negative effect on USDA and the American Government, national security, and the efficiency, effectiveness and cost of USDA programs.

19. TITLE/SERIES

Special-Sensitive Positions (Not subject to applicant testing)

Incumbents of these positions are designated as such under criteria found at 5 CFR 732.201 and the Office of Personnel Management position sensitivity designation guidance.

Individuals serve in positions of the highest level of sensitivity with the potential for the greatest degree of damage to the national security.

Most occupants of these positions require access to Top Secret national security information in accordance with Executive Order 10450 and 12968, or access to sensitive compartmented information under authority of Director of Central Intelligence Directive 6/4.

These positions also include any ADP-Computer position that meets the above criteria or is determined by the head of a USDA agency to impose a risk in terms of ADP-Computer security above that at the critical-sensitive level.

Incumbents are in positions that have potential for inestimable impact involving duties especially critical to the agency mission. They have broad scope and authority (e.g., overall direction of a major Federal program) or other extremely important responsibilities which affect the overall efficiency of the service.

Drug usage could result in one's inability to properly perform the duties of their positions or indiscretions while under the influence of drugs. Drug usage could cause incumbents to be subject to increased financial need which may cause them to be susceptible to compromising national security information or otherwise compromising national security for personal use.

20. TITLE/SERIES

Employees Required to have a Commercial Drivers License (CDL) (Subject to applicant drug testing - not applicant alcohol testing).

As required by the Department of Transportation (DOT) Regulations (49 CFR et. al.), all applicants for and employees of positions in which they are required to have a CDL to perform their duties are subject to random alcohol and drug testing.

See DOT Regulation 49 CFR et. al. for justification.